



RUBBER
manufacturers
association

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May 9, 2002

Dr. Jeffrey Runge
Administrator
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

NHTSA Docket No. 2001-10856

Dear Dr. Runge,

The Rubber Manufacturers Association has continued to examine the Agency's proposal regarding the Disposition of Recalled Tires. RMA believes that the following additional information will be of assistance to NHTSA.

RMA urges NHTSA to allow tire manufacturers to require that all recalled tires be returned to the manufacturer during a recall. If a manufacturer decides to allow dealers and distributors to deal with recalled tires directly then the manufacturer could file an exception plan laying out the details of that specific recall. Such a move would simplify the recalls and the paperwork associated with tire recalls. The requirement would also simplify the notice requirements. Furthermore, it would minimize the number of entities involved in the recall process thereby simplifying the number of requirements and reports necessitated during the process. Finally, such a requirement would help those manufacturers who choose to inspect and sort recalled tires to maintain some control of the process.

As set forth in Part 573-Defect And Noncompliance Reports, the existing regulations recognize not all recalled tires, including new tires removed from dealers or distributor inventory, may actually contain the defect or noncompliance (see 49 CFR 573.5 (C) (2) and (4)). If all recalled tires are required to be returned to the manufacturer, the manufacturer would (as under existing regulations) be able to inspect and sort the recalled tires and destroy those tires containing the defect or noncompliance. (Those tires not containing the defect or noncompliance would be branded with a distinguishing identification to distinguish them from the recalled population of tires.) A distributor or retailer of tires would not have the necessary expertise to be able to inspect, sort and destroy those tires containing a defect or noncompliance.

By requiring the return of recalled tires to the manufacturer, the manufacturer (who has the expertise) would then be responsible for their proper disposal, and tires not containing the defect or noncompliance would be branded with a distinguishing identification for future use and would not be

unnecessarily scrapped. The incentive for distributors and retailers to return recalled tires to the manufacturer is reimbursement for the tires they replace for the consumer.

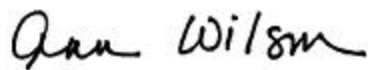
Allowing manufacturers to have control of the recalled tires limits the number of entities with responsibility for the recalled tires. This will lead to specific accountability and ease of administration for the Agency. However, there may be instances when a tire manufacturer does not require recalled tires to be returned to the manufacturer. In these instances, the manufacturer would file a plan with NHTSA outlining how the manufacturer intends to dispose of the recalled tires.

RMA further urges NHTSA to eliminate the requirement to alter recalled tires by the close of business on the day on which the recalled tire has been removed from the vehicle. RMA continues to assert that manufacturers will almost always want recalled tires returned to a central facility. This will allow manufacturers to better control the recall process, and to test recalled tires to better understand the dynamics associated with the tire recall. If tires are altered within twenty-four hours it will be impossible to have this testing capability.

Finally, RMA recognizes that NHTSA believes that reports from manufacturer-owned and controlled facilities on the number of recalled tires not rendered unsuitable for resale and the number of recalled tires disposed of in violation of applicable laws and regulations are necessary. RMA again urges NHTSA to consider allowing the manufacturers to have control over recalled tires thereby minimizing the number of necessary reports. Furthermore, RMA urges NHTSA to consider exception reporting requiring manufacturer-owned and controlled facilities to report to the manufacturer within 30 days any deviation from the manufacturer supplied recall plan and any violation of applicable laws and regulations on disposal of scrap tires.

RMA has attached some suggested regulatory language that we hope will be of assistance to the Agency. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Ann Wilson". The signature is fluid and cursive, with the first name "Ann" and last name "Wilson" clearly distinguishable.

Ann Wilson
Sr. Vice President

cc: Ken Weinstein
Enid Rubenstein
NHTSA Docket

SUGGESTED REGULATORY LANGUAGE

Section 573.5 (c) (9) In the case of a remedy program involving the replacement of tires, the manufacturer's program for remedying the defect or noncompliance **shall require all recalled tires be returned to the tire manufacturer or manufacturer controlled facility or shall propose a plan that addresses the disposition of the recalled tires that will prevent, to the extent reasonably within the control of the manufacturer the recalled tires from being resold for installation on a motor vehicle and address how the manufacturer will limit, to the extent reasonably within its control, the disposal of the recalled tires in landfills as set out in applicable laws and regulations.**

Section 573.5 (c) (9) (A) With respect to the requirement in paragraph (c) (9) (i) of this section, at a minimum **annually or for any recall involving 10,000 or more tires not returned to the tire manufacturer or manufacturer controlled facility. . . .**

Section 573.5 (c) (9) (B) (1) Written directions **annually or for any recall involving 10,000 or more tires not returned to the tire manufacturer or manufacturer controlled facility. . . .** to manufacturer-owned and other manufacturer-controlled outlets to alter the recalled tires permanently so that they cannot be used on vehicles, and instruction on how and when to perform such alterations. These shall include such instructions on the means to render recalled tires unsuitable for resale for installation on motor vehicles, ~~and instruction to perform the incapacitation of each recalled tire by the close of business on the day on which recalled tire has been removed from the vehicle;~~

Section 573.5 (c) (9) (B) (2) Written guidance **annually or for any recall involving 10,000 or more tires not returned to the tire manufacturer or manufacturer controlled facility. . . .** to all other outlets that are authorized to replace the recalled tires on how to alter the recalled tires promptly and permanently so they cannot be used on vehicles; and

(3) A requirement that manufacturer-owned and other manufacturer-controlled outlets report to the manufacturer ~~on a monthly basis~~ **within 30 days** any recalled tire removed from a vehicle by the outlet that has not been rendered unsuitable for resale for installation on a motor vehicle within the specified time frame **as set forth by the manufacturers plan for any recall involving 10,000 or more tires not returned to the tire manufacturer or manufacturer controlled facility** and describe any such failure to comply with the manufacturers plan.

Section 573.5 (c) (9) (C) With respect to the requirement in paragraph (c) (9) (iii) of this section, the manufacturer's program must **plan for any recall involving 10,000 or more tires not returned to the tire manufacturer or manufacturer controlled facility** at a minimum, include the following: . . .

Section 573.5 (c) (9) (C) (3) A requirement that manufacturer-owned and other manufacturer-controlled outlets report to the manufacturer ~~on a monthly basis~~ **within 30 days the number of recalled tires disposed of in violation of applicable laws and regulations.**